



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ELIOT SPITZER  
Attorney General

Writer Direct: (518) 402-2270  
September 10, 2003

A handwritten signature, likely of the Attorney General, enclosed in a circle.

STATE COUNSEL DIVISION  
LITIGATION BUREAU

Ernest H. Hammer, Esq.  
26 Broadway, 17<sup>th</sup> floor  
New York, NY 10004

U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED

SEP 12 2003

LAWRENCE K. BAERMAN, CLERK  
ALBANY

Re: *Tornheim v. State of New York, et al*  
Northern District of New York  
03-CV-0940 (LEK)(DRH)

Dear Mr. Hammer:

Enclosed please find copies of the following:

- (1)(a) a Notice of Defendants' Motion to Dismiss under Fed. R. Civ. P. Rule 12(b)(1) (return date blank).
- (b) a Memorandum in support of Defendants' Motion to Dismiss under Fed. R. Civ. P. Rule 12(b)(1).
- (c) an attorney's affirmation of AAG Charles J. Quackenbush.

Please note that our procedure is governed by NDNY Local Rule 7.1(b)(1). As such I will need you to supply me with an original and at least one copy of your response materials within 21 days of your receipt of this package. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature of Charles J. Quackenbush.

Charles J. Quackenbush  
Assistant Attorney General  
BRN 601683  
(518)402-2270

✓ encs.

cc: Lawrence K. Baerman (*without encs.*)  
Clerk of the Court  
United States District Court, Northern District of New York  
445 Broadway, room 345  
Albany, NY 12207-2963